

AMENDED IN SENATE AUGUST 26, 2002

AMENDED IN SENATE JUNE 26, 2002

AMENDED IN ASSEMBLY MAY 8, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2874

Introduced by Assembly Member Florez

February 25, 2002

~~An act to add Section 1596.794 to the Health and Safety Code, relating to child care. An act to amend Sections 8220 and 8350 of the Education Code, relating to child care.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2874, as amended, Florez. Child care licensing.

Existing law, the Child Care and Development Services Act, states the intent of the Legislature that all families have access to childcare and development services. The act authorizes funds appropriated for purposes of the act to be used for alternative payment programs to allow for maximum parental choice in childcare, including, among others, family daycare homes. The act also establishes a system of childcare services through which a recipient of aid under the CalWorks program or any successor program, will pass.

This bill would require that any license-exempt family daycare home, and any license-exempt family relative, that provides care for children under those provisions of the act, be restricted to six children at any one time who are receiving state or federal subsidies, except as specified.

~~Existing law, the California Child Day Care Facilities Act, provides for the licensure and regulation of various child day care facilities.~~

~~These provisions are administered by the State Department of Social Services. Existing law exempts from these licensure requirements a family day care home providing care for the children of only one family in addition to the operator's own children. Under existing law, the willful or repeated violation of the act, or of related regulations, constitutes a misdemeanor.~~

~~This bill would provide that such a family day care home providing care for the children of only one family in addition to the operator's own children shall be restricted to caring for 6 children at any one time who are receiving state or federal subsidies, except that this restriction shall not limit the number of children for whom the family day care home may provide care for whom no state or federal subsidy is received.~~

~~By creating a new crime, this bill would create a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: *yes no*.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. The Legislature finds and declares all~~
- 2 *SECTION 1. Section 8220 of the Education Code is amended*
- 3 *to read:*
- 4 8220. (a) Upon the approval of the State Department of
- 5 Education, funds appropriated for the purposes of this chapter may
- 6 be used for alternative payment programs to allow for maximum
- 7 parental choice. Various methods of reimbursement for parental
- 8 costs for child care may be utilized. All payment arrangements
- 9 shall conform to the eligibility criteria and the parent fee schedule
- 10 established pursuant to Sections 8263 and 8265.
- 11 To provide for maximum parental choice, alternative payment
- 12 programs may include the following:
- 13 ~~(a)~~
- 14 (1) A subsidy that follows the family from one provider to
- 15 another within a given alternative payment program.

~~(b)~~

(2) Choices, whenever possible, among hours of service including before and after school, evenings, weekends, and split shifts.

~~(e)~~

(3) Child care and development services according to parental choice, including use of family day care homes, general center based programs, and other state-funded programs to the extent that those programs exist in the general service area and are in conformity with the purposes and applicable laws for which those programs were established, but excluding state preschool programs.

(b) In addition to the number of children for whom no state or federal subsidy is received, no more than six children at any one time who are receiving state or federal subsidies may be provided care in a family day care home that is exempt from licensure pursuant to subdivision (d) of Section 1596.792 of the Health and Safety Code, or in any arrangement for the receiving and care of children be a relative that is exempt from licensure pursuant to subdivision (f) of Section 1596.792 of the Health and Safety Code. This section does not apply to, nor affect in any way, licensed family day care homes.

SEC. 2. Section 8350 of the Education Code is amended to read:

8350. (a) It is the intent of the Legislature in enacting this article to ensure that recipients of aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program, and former recipients who have left aid for employment, are connected as soon as possible to local child care resources, make stable child care arrangements, and continue to receive subsidized child care services after they no longer receive aid as long as they require those services and meet the eligibility requirements set forth in Sections 8263 and 8263.1.

(b) This article establishes three stages of child care services through which a recipient of aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program, will pass. Further, as families' child care needs are met by county welfare departments and later by other local child care and development contractors, it

1 is the intent of the Legislature that families experience no break in
2 their child care services due to a transition between the three stages
3 of child care services.

4 *(c) In addition to the number of children for whom no state or*
5 *federal subsidy is received, no more than six children at any one*
6 *time who are receiving state or federal subsidies may be provided*
7 *care in a family day care home that is exempt from licensure*
8 *pursuant to subdivision (d) of Section 1596.792 of the Health and*
9 *Safety Code, or in any arrangement for the receiving and care of*
10 *children be a relative that is exempt from licensure pursuant to*
11 *subdivision (f) of Section 1596.792 of the Health and Safety Code.*
12 *This section does not apply to, nor affect in any way, licensed*
13 *family day care homes.*

14 of the following:

15 ~~(a) Child care by immediate family members and friends, often~~
16 ~~called “kith and kin” child care, is a legitimate choice by parents~~
17 ~~and is often a favored choice by some cultural groups in this state.~~

18 ~~(b) Among the child care providers who are exempt from~~
19 ~~licensure under current law are child care providers who serve only~~
20 ~~one family in addition to their own children. Existing law imposes~~
21 ~~no limit on the number of children who may be cared for by~~
22 ~~license-exempt providers caring for the children of only one~~
23 ~~family other than their own.~~

24 ~~(c) It is in the interest of the health, development, and safety of~~
25 ~~children to encourage the licensure of child care settings, while~~
26 ~~preserving parents’ right to choose license-exempt child care.~~

27 ~~(d) It is the intent of the Legislature, in enacting this act, to~~
28 ~~encourage license-exempt providers to access child care health~~
29 ~~and safety training through all available avenues of training that~~
30 ~~will improve the safety and quality of license-exempt child care~~
31 ~~services and that can lead to licensure for providers who so desire.~~

32 ~~SEC. 2. Section 1596.794 is added to the Health and Safety~~
33 ~~Code, to read:~~

34 ~~1596.794. Any license-exempt family day care home~~
35 ~~providing care for children pursuant to subdivision (d) of Section~~
36 ~~1596.792 shall be restricted to six children at any one time who are~~
37 ~~receiving state or federal subsidies, except that this restriction shall~~
38 ~~not limit the number of children for whom the family day care~~
39 ~~home may provide care for whom no state or federal subsidy is~~

1 received. This section shall not apply to, nor affect in any way,
2 licensed family day care homes.

3 SEC. 3. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.

